



#29

T2315-904733

IN THE UNITED STATES PATENT & TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS & INTERFERENCES

Appellants: Eugene P. GOLDBERG ET AL. :  
Serial No.: 08/141,017 : Art Unit: 1617  
Filed: October 26, 1993 : Examiner: Edward J. Webman  
For: METHOD OF AND COMPOSITION FOR :  
PREVENTING TISSUE DAMAGE

**PETITION TO WITHDRAW NOTICE OF ABANDONMENT**

**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**

JUL 02 2003

**OFFICE OF PETITIONS**

Sir:

Applicant believes that the Notice of Abandonment was issued in error due to the failure of the Patent Office to process and enter Status Inquiries and Change of Address into appropriate file. Applicant hereby request reconsideration and withdrawal of the Notice of abandonment of the above-identified patent application.

The Patent Office issued a Notice of Abandonment (Paper No. 27) due to Applicant's failure to respond to the Office letter mailed August 7, 2002.

Attached are copies of the papers filed and copies of the return postcards with the PTO dates of receipt stamped thereon. Applicant filed Status Inquiries on April 7, 1999 (Exhibit A), May 26, 2000 (Exhibit B), September 21, 2000 (Exhibit C) and November 20, 2001 (Exhibit D). A Change of Address was also filed on November 20, 2001 (Exhibit D). On May 28, 2003, because the Patent Office did not respond to the applicant's inquiries, applicant called the Board of Patent Appeals and Interferences where the application was being reviewed by the Board, and learned from the Clerk, that the application was abandoned due to failure to respond to the Office letter and, the case was probably sitting in the warehouse. During the second week of June, in telephone conversations between Examiner Webman and my secretary, Mary Allgood, it was noted by the Examiner that the Status Inquiries and the Change of Address correspondence filed were never matched up with the application file.

After investigating the facts, it is clear that the subject application was unavoidably abandoned. Applicant respectfully solicits a favorable decision of Revival of the subject-application.

Respectfully submitted,

MILES & STOCKBRIDGE



Dennis P. Clarke  
Registration No. 22,549

Filed: June 30, 2003

DPC/maa

1751 Pinnacle Drive  
Suite 500  
McLean, Virginia 22102-3833  
Telephone: (703) 903-9000  
Facsimile: (703) 610-8686

Docket No. 4733

PLEASE STAMP & RETURN

PAPERS RECEIVED ON April 7, 1999 A.U. 1615

APPLICANT Goldberg et al- SN 08/141,017

TITLE OR MARK Method of and Composition for Preventing....

☐ APPLICATION (PAT or TM) SHEETS DRAWINGS \_\_\_\_\_

\_\_\_\_\_ PAGES SPECIFICATION \_\_\_\_\_ CLAIMS ☐ OATH ☐ DECL.

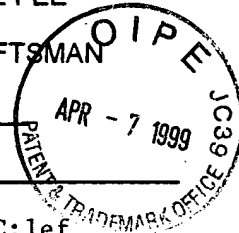
☐ ASSIGNMENT ☐ PRIORITY CLAIM ☐ BASE ISSUE FEE

☐ AMENDMENT DUE \_\_\_\_\_ ☐ LETTER TO DRAFTSMAN

☐ APPEAL - NOTICE/BRIEF ☐ CHECK FOR \$ \_\_\_\_\_

☒ OTHER: Status Inquiry

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Serial No. : 08/141,017  
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For : METHOD OF AND COMPOSITION FOR  
PREVENTING TISSUE DAMAGE  
Art Unit : 1615  
Examiner : Edward J. Webman

**STATUS INQUIRY**

Hon. Commissioner of Patents & Trademarks  
Washington, D. C. 20231

Sir:

Please advise the undersigned as to the status of the above-captioned application inasmuch as the Brief on Appeal was filed on June 9, 1997, and the Reply Brief and Request for Oral Hearing were submitted on December 8, 1997.

Respectfully submitted,

**K**ERKAM, STOWELL,  
ONDRACKI & CLARKE, P.C.



---

Dennis P. Clarke  
Registration No. 22,549

DPC:lef

Two Skyline Place, Suite 600  
5203 Leesburg Pike  
Falls Church, VA 22041-3401  
Telephone: (703) 998-3302

④ Eugene  
 Inventor GOLDBERG et al. Ser. No. 08/141,017 Docket No. T2315-904733  
 Title: METHOD OF AND COMPOSITION FOR PREVENTING TISSUE DAMAGE

This will acknowledge receipt in the Patent Office of the following:

<input type="checkbox"/> New Patent Application _____ pages of Specification _____ claims	<input type="checkbox"/> 37CFR 1.60	<input type="checkbox"/> 37CFR 1.62
<input type="checkbox"/> Request for Patent Application under		
<input type="checkbox"/> Combined Declaration and Power of Attorney		
<input type="checkbox"/> Verified Statement Claiming Small Entity		
<input type="checkbox"/> Associate Power of Attorney		<input type="checkbox"/> Amendment
<input type="checkbox"/> Claim for Priority		<input type="checkbox"/> Petition for Ext. of Time
<input type="checkbox"/> Priority Document		<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Assignment		<input type="checkbox"/> Appeal Brief (3 copies)
<input type="checkbox"/> Drawings _____ sheets		<input type="checkbox"/> Req. Certificate of Correction
<input type="checkbox"/> Information Disclosure Stmt.		<input type="checkbox"/> Trademark Application
<input type="checkbox"/> Information Disclosure Refs.		<input type="checkbox"/> Section 8 & 15 Affidavit
<input type="checkbox"/> Terminal Disclaimer		<input type="checkbox"/> Check _____
<input checked="" type="checkbox"/> Other <u>STATUS INQUIRY (second)</u>		
Date due _____	Date filed <u>5/26/00</u>	Initials <u>DPC/maa</u>

**Stamp:** OIPE MAY 26 2000

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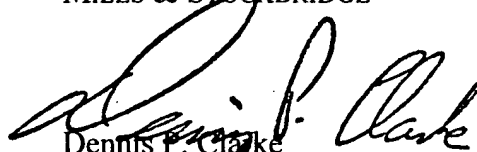
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This is the second Status Inquiry filed by appellants herein; the first having been filed on April 7, 1999. No response to that inquiry was received.

Respectfully submitted,

MILES & STOCKBRIDGE

  
Dennis P. Clarke  
Registration No. 22,549

DPC/maa

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T2315-


Inventor GOLDBERG et al. Ser. No. 08/141,017 Docket No. 904733

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<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Check _____
<input checked="" type="checkbox"/> Other <u>STATUS INQUIRY (Second)</u>	

Date due \_\_\_\_\_ Date filed 9/21/00 Initials DPC/maa



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Respectfully submitted,

MILES & STOCKBRIDGE



Dennis P. Clarke  
Registration No. 22,549

Filed: September 21, 2000

1751 Pinnacle Drive  
Suite 500  
McLean, Virginia 22102-3833  
Telephone: (703) 903-9000  
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5/11 Eugene P. T2315-  
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 Date due \_\_\_\_\_ Date filed 11/20/01 Initials DPC/maa

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